

AMENDED IN ASSEMBLY MARCH 28, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2395

**Introduced by Assembly Member Lowenthal
(Principal coauthor: Assembly Member Gorell)**

February 21, 2014

An act to ~~amend Section 422 of~~ add Section 6087 to the Harbors and Navigation Code, relating to ~~vessels~~ harbor districts.

LEGISLATIVE COUNSEL'S DIGEST

AB 2395, as amended, Lowenthal. ~~Vessels; perils of the sea. Oxnard Harbor District; infrastructure projects; funding.~~

(1) Existing law prescribes procedures for the formation of harbor districts, and sets forth the powers of a district with regard to the operation, management, and development of harbor facilities in a district. Existing law authorizes the board of a harbor district, among other things, to borrow up to \$1,000,000 for the purposes of acquiring land for constructing or operating any work, project, or certain authorized facilities or for the making of improvements or the purchase of equipment for the maintenance of those facilities, as prescribed.

This bill would, notwithstanding that borrowing limit, authorize the Oxnard Harbor District to borrow money and incur indebtedness and to accept financial or other assistance from the state or federal government. The bill would authorize the district to expend any funds made available to the district pursuant to those provisions for the acquisition of any interests in lands, as specified, and for projects involving the acquisition, construction, development, ownership, and leasing of port facilities, infrastructure, or other projects, as described.

(2) *This bill would make legislative findings and declarations as to the necessity of a special statute for the Oxnard Harbor District.*

~~Existing law regulates the operation of vessels, as defined, in the state. For purposes of provisions regulating vessels, existing law defines the phrase “perils of the sea” as storms and waves, rocks, shoals, and rapids, and other obstacles, climate changes, confinement, animals, and all other dangers peculiar to the sea.~~

~~This bill would make technical, nonsubstantive changes in that definition.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. The Legislature hereby finds and declares all of*
2 *the following:*

3 *(a) The Oxnard Harbor District owns and operates the Port of*
4 *Hueneme. Although the Port of Hueneme is the only deep-water*
5 *port between the major Pacific Ocean ports of northern and*
6 *southern California, its depth at present is only 35 feet at mean*
7 *lower low water (MLLW). A depth of at least 40 feet at MLLW is*
8 *necessary to provide the port with the capacity to accommodate*
9 *a wider variety of vessels to meet anticipated demands. As a result,*
10 *the Oxnard Harbor District needs to finance several significant*
11 *infrastructure projects over the next several decades to expand*
12 *the limited capacity of the port.*

13 *(b) The existing one-million-dollar (\$1,000,000) limit on the*
14 *borrowing of money set forth in Section 6084 of the Harbors and*
15 *Navigation Code impedes the Oxnard Harbor District’s ability to*
16 *develop the infrastructure and systems necessary to continue the*
17 *development of the Port of Hueneme to expand the port’s capacity*
18 *and meet anticipated demands.*

19 *(c) In December 2013, the Oxnard Harbor District successfully*
20 *implemented the Shoreside Power Project, which will dramatically*
21 *cut pollutants from vessel emissions particle matter (PM) by 92*
22 *percent, nitrous oxide emissions by 98 percent, and greenhouse*
23 *gas emissions (carbon dioxide) by 55 percent, over the life of the*
24 *project. Further, the project will benefit shippers, truckers, terminal*
25 *operators, dock workers, and regional and national transportation*

1 systems by extending the useful life of existing wharfs for up to 30
2 years.

3 (d) In Spring, 2012, the Oxnard Harbor District commissioned
4 a series of white papers as part of its commitment to providing the
5 maximum possible economic and social benefits to the people and
6 communities served by the Port of Hueneme. This commitment
7 includes a responsibility to address the environmental impacts of
8 port operations. The white papers are meant to help the port build
9 an environmental management program, and address all of the
10 following focus areas:

11 (1) Community engagement.

12 (2) Water quality.

13 (3) Marine resources.

14 (4) Air quality.

15 (5) Soil and sediment.

16 (6) Sustainability.

17 (e) The white papers described in subdivision (d) document
18 important accomplishments already achieved by the Oxnard
19 Harbor District, including all of the following:

20 (1) Active participation in community events and activities.

21 (2) Receipt of a \$4.5 million shoreside power grant for air
22 quality improvements.

23 (3) Implementation of phase 1 of a stormwater improvement
24 plan.

25 (4) Partnering with the United States Navy and the United States
26 Corps of Engineers (USACE) to construct the Confined Aquatic
27 Disposal Cell.

28 (5) Actively monitoring water quality to mitigate impacts to
29 marine life.

30 (6) Replacement of conventional diesel-fueled maintenance
31 vehicles with low-emission propane-fueled trucks.

32 (f) Operations and activities at the Port of Hueneme contribute
33 meaningfully, qualitatively, and quantitatively to the economic
34 health and vitality of southern California and the rest of the state.
35 It has been estimated that approximately 10,226 jobs statewide
36 are either directly or indirectly related to activities at the Port of
37 Hueneme, and the regional agricultural, automobile, and oil and
38 gas industries in this state rely on the workers employed in these
39 jobs and the port's daily operations.

1 (g) *The Oxnard Harbor District does not levy, or expend any*
2 *funds generated by, local taxes, as most of its operations are funded*
3 *directly through fees and other revenue the port generates from*
4 *its users or tenants, and from occasional state and federal grants.*

5 SEC. 2. *Section 6087 is added to the Harbors and Navigation*
6 *Code, to read:*

7 6087. (a) *Notwithstanding any other provision of this part,*
8 *the Oxnard Harbor District may borrow money and incur*
9 *indebtedness under Section 6077 or 6084, in its discretion, and*
10 *may accept financial or other assistance from the state or federal*
11 *government.*

12 (b) *The district may expend any funds made available to the*
13 *district pursuant to subdivision (a) for the acquisition of any*
14 *interest in lands, in accordance with Section 6075, and for the*
15 *acquisition, construction, development, ownership, and leasing of*
16 *port facilities, infrastructure, and other projects, including, but*
17 *not limited to, harbor deepening, and for any other buildings,*
18 *plants, equipment, aids, facilities, and improvements necessary*
19 *for, or incident to, the accommodation and promotion of commerce*
20 *and fisheries in the district.*

21 SEC. 3. *The Legislature finds and declares that a special law*
22 *is necessary and that a general law cannot be made applicable*
23 *within the meaning of Section 16 of Article IV of the California*
24 *Constitution because of the unique circumstances applicable only*
25 *to the Oxnard Harbor District.*

26 SECTION 1. ~~Section 422 of the Harbors and Navigation Code~~
27 ~~is amended to read:~~

28 422. ~~Perils of the sea are all of the following:~~

29 ~~(a) Storms and waves.~~

30 ~~(b) Rocks, shoals, and rapids.~~

31 ~~(c) Other obstacles, though of human origin.~~

32 ~~(d) Changes of climate.~~

33 ~~(e) The confinement necessary at sea.~~

34 ~~(f) Animals peculiar to the sea.~~

35 ~~(g) All other dangers that are peculiar to the sea.~~